

Message Text

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ORIGIN NEA-10

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TO AMEMBASSY ABU DHABI PRIORITY

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E.O. 11652: N/A

TAGS: PFOR, CFED, TC

SUBJECT: EXTRADITION TREATY WITH THE UAE

REFERENCES: (A) ABU DHABI 1914, (B) STATE 144933

1. DEPARTMENT OFFICERS (ARP AND L/M) HELD MEETING TO DISCUSS IDEA OF AN EXTRADITION TREATY BETWEEN U.S. AND UAE. CONSENSUS OF MEETING WAS THAT US-UAE EXTRADITION TREATY NOT A FEASIBLE PROPOSAL. FOLLOWING ARE THE CONSIDERATIONS WHICH INFLUENCED DEPARTMENT OFFICERS' VIEWS.

2. EXTRADITION TREATIES ARE DIFFICULT TO NEGOTIATE. SEVERAL FACE-TO-FACE MEETINGS BETWEEN KNOWLEDGEABLE JUDICIAL OFFICIALS AND DIPLOMATS OF BOTH COUNTRIES ARE NECESSARY BEFORE A TREATY TEXT CAN BE DEVELOPED. FOR EXAMPLE, IN THE CASE OF JAPAN WHERE AN OLDER 19TH CENTURY TREATY NEEDED TO BE UPDATED, A NEW EXTRADITION TREATY HAS BEEN UNDER DISCUSSION FOR FIVE YEARS AND A TEXT UNDER ACTIVE
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NEGOTIATION FOR MORE THAN A YEAR, BUT AT LEAST ONE MORE NEGOTIATING SESSION WILL BE NECESSARY BEFORE A FINAL TEXT WILL BE READY.

3. ONCE NEGOTIATORS HAVE DEVELOPED A TEXT, THE PROCESS, INCLUDING RATIFICATION BY THE SENATE, IS A QUITE LENGTHY

ONE. IN CASE OF UAE, SENATE DELIBERATION MIGHT RAISE POLITICALLY SENSITIVE QUESTIONS ABOUT THE PHILOSOPHICAL AND CULTURAL DIFFERENCES WHICH MAKE JUSTICE IN UAE, PARTICULARLY WITH REGARD TO DUE PROCESS AND TYPES OF PUNISHMENT, NOTABLY DIFFERENT FROM THAT PREVAILING IN U.S. IN THIS CONNECTION, YOU SHOULD BE AWARE THAT THE U.S. HAS YET TO SEEK AN EXTRADITION TREATY WITH AN ARAB COUNTRY.

4. IN RECENT YEARS, IT HAS BEEN THE DEPARTMENT'S PRACTICE TO NEGOTIATE EXTRADITION TREATIES ONLY WITH COUNTRIES WHERE OFFENSES WE ARE PARTICULARLY INTERESTED IN EXTRADITING ARE LIKELY TO BE COMMITTED WITH SUBSTANTIAL FREQUENCY. EXAMPLES MIGHT BE NARCOTICS CASES OR AIR HIJACKING. IN THE LATTER CASE, OUR REQUIREMENTS FOR ACROSS THE BOARD EXTRADITION OF HIJACKERS OF U.S. AIRCRAFT MIGHT BE HARD FOR THE UAE TO ACCOMMODATE.

5. FINALLY, IN DEPARTMENT'S EXPERIENCE, THERE IS PROBLEM OF UNREALISTIC EXPECTATIONS THAT EXTRADITION TREATIES RAISE. PARTICULARLY IN DEVELOPING WORLD, OFFICIALS FREQUENTLY IMAGINE THAT MERE REQUEST FOR EXTRADITION UNDER A TREATY WILL BE SUFFICIENT TO SECURE PROMPT AND CERTAIN EXTRADITION. IN REALITY A FORMAL REQUEST FOR EXTRADITION MUST INCLUDE THE PRESENTATION OF A CASE IN TECHNICAL COMPLIANCE WITH THE U.S. LEGAL REQUIREMENTS BEFORE A FEDERAL MAGISTRATE WILL ORDER EXTRADITION. OUR LIMITED OFFICIAL USE

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LIMITED CONTACT WITH UAE MIN/INT OFFICIALS ON FADILI CASE HAS NOT ENCOURAGED US TO BELIEVE UAE WOULD BE ANY MORE SUCCESSFUL THAN OTHER DEVELOPING COUNTRIES UNFAMILIAR WITH U.S. LEGAL PRACTICE IN PREPARING ACCEPTABLE CASES. MOREOVER, EVEN WERE UAE OFFICIALS TO PRESENT AN EFFECTIVE CASE, A FUGITIVE COULD SUCCESSFULLY FIGHT EXTRADITION IN THE COURTS FOR YEARS.

6. ON BALANCE, WE FEEL THAT BEST WAY FOR UAE TO PURSUE FUGITIVES FROM THEIR JUSTICE IN THE UNITED STATES IS THROUGH IMPROVED LIAISON WITH U.S. DEPARTMENT OF JUSTICE. ANY REQUEST FOR COOPERATION FORWARDED THROUGH DIPLOMATIC CHANNELS WILL RECEIVE OUR PROMPT ATTENTION AND THE MAXIMUM ASSISTANCE OF WHICH WE ARE CAPABLE.

7. STATUS OF INVESTIGATION INTO FADILI BROTHERS IS AS FOLLOWS: SECRET SERVICE AGENTS HAVE INTERVIEWED THE BROTHER IN MASSACHUSETTS (ADIL). OTHER BROTHER (ALA) IS NOT IN THE COUNTRY AT THIS TIME. SUGGEST UAE MIN/INT CONTACT INTERPOL IN AN ATTEMPT TO LOCATE OTHER BROTHER. IF AND WHEN OTHER BROTHER RETURNS TO THE U.S., AGENTS WILL INTERVIEW HIM AS WELL.

8. BASED ON TALKS WITH UAE MIN/INT OFFICIALS IN WASHINGTON AND ON INTERVIEW WITH ONE FADILI BROTHER, SECRET SERVICE DOES NOT HAVE SUFFICIENT INFORMATION AT THIS TIME TO SUGGEST PROSECUTION, HOWEVER, AGENTS HAVE ASSURED DEPARTMENT THAT INVESTIGATION HAS NOT BEEN DROPPED AND ANY ADDITIONAL EVIDENCE THAT UAE OFFICIALS COULD PROVIDE WOULD BE EXAMINED.

9. U.S. IMMIGRATION OFFICIALS ARE ALSO WILLING TO INVESTIGATE CHARGES MADE BY UAE MIN/INT OFFICIALS THAT FADILI ALLEGEDLY MADE FALSE STATEMENTS IN HIS APPLICATION FOR RESIDENT ALIEN STATUS. CAN UAE OFFICIALS FORWARD ANY DOCUMENTARY EVIDENCE TO SUBSTANTIATE THIS CLAIM? IN LIMITED OFFICIAL USE

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MEETING REPORTED IN REFTEL B, UAE OFFICIALS PROMISED TO ASSEMBLE SUCH INFORMATION ON RETURN TO ABU DHABI. CHRISTOPHER

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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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